

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

SPECTRUM	§	
LABORATORIES,	§	
LLC , an Ohio Limited	§	CIVIL ACTION NO.
Liability Company,	§	<u>4:22-CV-03705</u>
	§	
Plaintiff,	§	
	§	
	§	
vs.	§	JURY DEMAND
	§	
DOES #1-10,	§	
	§	
Defendants.	§	JUDGE CHARLES ESKRIDGE

ORDER GRANTING MOTION FOR SANCTIONS

On this day came Plaintiff Spectrum Laboratories, LLC filing its Motion for Sanctions (the “Motion”) [Doc. 83]. The Court has considered the Motion and any responsive papers thereto, and the Court finds as follows:

The Motion is GRANTED;

The Court further ORDERS the following:

1. URZ shall make the following ESI sources available for forensic copying and searching by a third-party neutral ESI vendor (and otherwise assist Spectrum and its ESI vendor in obtaining those copies):
 - A. Each email account that URZ (including its owners or representatives) use for any business purpose and that can be fully accessed and copied through a web browser (e.g., Gmail,

Yahoo, Microsoft 365, etc.). For these email accounts, URZ should produce the name of the email provider, the user name and password, and any other information or assistance needed to access and copy the accounts.

- B. Each email account that URZ (including its owners or representatives) use for any business purpose and that operate on a private email server or a server hosted by a third-party that cannot be accessed and copied through a web browser.
- C. Each hard drive, server, cell phone, laptop or desktop computer, and tablet or other electronic device that URZ (including its owners or representatives) use for any business purpose.
- D. Any database or software through which URZ transacts or tracks sales, e.g., QuickBooks.

This information shall be searched by the third-party neutral ESI vendor with a list of search terms reasonably likely to identify all documents responsive to the Court's September 5, 2023 Order [Dkt. 63], including but not limited to "Spectrum," "Quick Fix," "QF" and "counterfeit."

The third-party neutral ESI vendor shall produce the search results to Spectrum and URZ.

The third-party neutral ESI vendor shall maintain a copy of Items A – D until otherwise ordered by the Court.

- 2. URZ shall identify every bank account through which it transacts any business, including the name of the bank and account numbers. Spectrum may issue subpoenas to those banks to trace payments to others responsible for the counterfeiting or through whom URZ has obtained *Quick Fix*.

3. URZ shall produce all records of purchases and sales of *Quick Fix*, as it was previously ordered to produce, including all receipts (or other proof of sale records) and all URZ payment records (including ACH/wire confirmations, cancelled checks, and bank records).
4. URZ shall identify each physical locations where it conducts business or stores any business records or information, and that URZ make those locations available for physical inspection by Spectrum, including providing full access to any business records and providing assistance to Spectrum in locating and examining such records.
5. URZ pay the legal fees that Spectrum has incurred to obtain URZ's compliance with the subpoena at issue. Spectrum shall have five (5) business days to gather and submit proof of those fees.
6. URZ's counterclaims and its affirmative defenses are hereby stricken.

URZ is hereby instructed that failure to comply will result in additional monetary sanctions and a default judgment against it in Spectrum's favor.

So ORDERED.

Signed on _____, at Houston, Texas.

Hon. Charles Eskridge
United States District
Judge